

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

Brian Patton and Jennifer Patton, on behalf of	:	
themselves and all others similarly situated	:	Case No. 1:06-CV-010
	:	
Plaintiffs,	:	District Judge Susan J. Dlott
v.	:	
	:	ORDER GRANTING PLAINTIFFS'
Jeff Wyler Eastgate, Inc.,	:	MOTION FOR SUMMARY
	:	JUDGMENT AS TO DAMAGES
Defendant.	:	

This matter is before the Court on Plaintiffs' Motion for Summary Judgment as to Damages. (Doc. 40.) For the reasons that follow, Plaintiffs' motion is **GRANTED**.

**I.**

In an Order dated March 8, 2007, this Court held that Defendant violated the Truth in Lending Act ("TILA"), 15 U.S.C. § 1601 *et seq.*, and granted summary judgment to Plaintiffs on Count I of their Complaint. (Doc. 29.) Subsequently, the Court held a conference in this case on November 8, 2007. The parties were unable to stipulate as to the amount of statutory damages Defendant owed to Plaintiffs under TILA. Therefore, the Court set a briefing schedule on the issue of damages: Plaintiffs' motion was due by November 22, 2007 and Defendant's memorandum in opposition was due by December 6, 2007.

Plaintiffs timely have filed their motion for statutory damages and seek an award of \$1000 in statutory damages. Defendant failed to timely file a memorandum in opposition by December 6. TILA establishes statutory damages in the amount of twice the finance charge, except that liability shall not be less than \$100 or greater than \$1000. 15 U.S.C. § 1640(a)(2)(A); see also Koons Buick Pontiac GMC, Inc. v. Nigh, 543 U.S. 50, 55-56 (2004)

(interpreting § 1640 to apply the \$100/\$1000 limitation to all consumer financing transactions whether lease or sale). The financing charge in this case was more than \$10,000. However, the statutory ceiling for damages is \$1000 under TILA. Accordingly, Plaintiffs are entitled to statutory damages in the amount of \$1000.

**II.**

Plaintiff's motion (doc. 29) is **GRANTED**. The Court **AWARDS** Plaintiff's statutory damages in the amount of \$1000.

IT IS SO ORDERED.

s/Susan J. Dlott  
Susan J. Dlott  
United States District Judge